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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,969	09/04/2003	Jay S. Walker	02-058	8907
22927	7590	12/05/2007	EXAMINER	
WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905			SAGER, MARK ALAN	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			12/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/655,969

Examiner

M. A. Sager

Applicant(s)

WALKER ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-61 is/are pending in the application.
- 4a) Of the above claim(s) 10-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. This application contains claims 10-41 drawn to an invention nonelected without traverse (implicit) in the reply filed on May 30, 2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

***Claim Rejections - 35 USC § 102***

2. Claims 42-55, 57-58, 60-61 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (6012983). Walker discloses a gaming device and method teaching claimed steps/features including an apparatus having a processor and a memory that stores a program and a computer readable medium (figs 1-9), determining a player would like to communicate with another (3:28-42), monitoring gaming activities of a player at a gaming device (fig 1-9, esp. 8a-9, ref 300, 'player tracking'), obtaining a player identifier (5:57-64, 6:49-65), supplying the player with a communication device (3:55-56, ref 6 - pager or cellular telephone), determining an individual who will communicate with player or determining whether to initiate communication (3:28-42 or use of cellular telephony circuitry to connect to another), enabling communication between player and individual via the portable communication device (sic), determining a prompt and outputting the prompt is communication with player via communication device (3:28-42, 4:64-5:6), an offer of service and enabling the individual to provide a service is to alter or authorize automated play based on player updated/revised inputs (2:29-67, 3:28-42, 49-11, fig 8a-9).

*Claim Rejections - 35 USC § 103*

3. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnegan.

Response to Applicants remark is provided below and incorporated herein. Finnegan discloses claimed method including determining a player would like to communicate, supplying the player with a communication device, determining an individual who will communicate and enabling communication but lacks obtaining a player identifier from the player as noted by Applicants remark (p 10-11). It would have been obvious to an artisan at a time prior to the invention to add obtaining an identifier from the player to Finnegan's method for security or to charge user account if not returned or for its use. Similarly, by analogy to a person checking out (i.e. borrowing) a book from a library by obtaining a persons identifier to have on record which person is assigned which book, it would have been obvious to obtain a player identifier for use of the cellular phones discussed by Finnegan to know which player obtained use of a phone to ensure its return or to know whom to charge for its services.

4. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker ('983). Walker lacks specifically identifying storing email address; however, since email address is another equivalently known user identifier, it would have been obvious to an artisan at a time prior to the invention to add email address as known to Walker to identify player. Essentially, although email address is another identifier, it fails to patentably distinguish over identifiers taught by Walker.

5. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker ('983). Walker lacks debit; however, debit accounts were notoriously well known user account. It would have been obvious to an artisan at a time prior to the invention to add debit as known to

Walker to allow player to use a debit account as payment identifier. Essentially, the type of financial account fails to patentably distinguish over Walker and known account types.

***Response to Arguments***

6. Applicant's arguments filed 9/10/07 have been fully considered but they are not persuasive. Examiner concurs with applicant that Finnegan lacks obtaining a player identifier; however, disagrees that claimed step of method patentably distinguishes since similar process is accomplished for checking out a book for securing its return and to know which user borrowed the book or similarly for within Finnegan's system, who borrowed the phone. It is noted that no storing or saving of the player identifier is required by claim 42, thus merely showing a driver's license or other identification [casino club player tracking card, etc.] to 'borrow' use of phone would meet.

7. Applicant's arguments with respect to claims 42-61 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
M.A. Sager  
Primary Examiner  
Art Unit 3714

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